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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,017	02/14/2001	Hiroshi Kamiya	Q63036	3808

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SUGHRUE, MION, ZINN, MACPEAK & SEAS  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037

EXAMINER
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THEIN, MARIA TERESA T

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/782,017

Applicant(s)

KAMIYA, HIROSHI

Examiner

Marissa Thein

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's "Amendment" filed on June 29, 2004 has been considered with the following effects.

Applicant's response by virtue of amendment to claims 1-3 has overcome the Examiner's rejection of such claims less than 35 USC § 112, second paragraph.

Applicant's response by virtue of amendment to claims 1-3 has overcome the Examiner's rejection of such claims less than 35 USC § 101.

Claims 1-3 are amended. New claims 10-12 are added. Claims 1-12 remain pending in this Application.

### ***Response to Arguments***

Applicant's arguments filed June 29, 2004 have been fully considered but they are not persuasive.

Applicant remarks that Examiner does not provide any specifics as to which elements of Sakai allegedly correspond to the "inputting said order issuer's payment date into the second input field on the order issuing device; and transmitting the order issuer's payment date to the order accepting device". Furthermore, Applicant remarks that "there is no disclose or suggestion in Sakai that a payment date is an input field or that a payment date is even used in the device of Sakai. Therefore, Sakai does not disclose or even remotely suggest the claimed combination".

Examiner notes that Sakai does disclose the "inputting said order issuer's payment date into the second input field on the order issuing device; and transmitting

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the order issuer's payment date to the order accepting device". In Figures 15, a settlement POS (point of sale) terminal 42 performs the final settlement of accounts for purchased commodities (col. 24, lines 11-13). The settlement of accounts includes a transaction log section which controls the sorting processing which includes a printed issued receipt (col. 24, lines 33-39). In Figure 18, a receipt is displayed which includes the date of the transaction. Furthermore, the settlement POS terminal further includes a transaction data transmission control section which transmits, after final settlement of accounts for purchased commodities is completed, a result of sorting processing stored in the transaction log file as a transactions data to the controller (col. 24, lines 53-58). The controller controls the settlement POS terminal and includes transaction data reception control section, a point addition section, a period management section, a point addition edition, and a point issuance section (col. 24, lines 59-63). The period management section determines elapse of a fixed period of time (for example, one month), so as to provide the point numbers for customers (col. 25, lines 8-13). In Figure 19, a print is issued by a point issuance section which includes the month and year of the notice on purchase points and the total amount of purchase in a specific month.

Such transmission of the result of the transaction data after final settlement; the determination of the fixed period of time by the period management section; and the providing of the total amount of purchase in a specific month are considered the inputting of the order's issuer's payment date and the transmitting of the order's issuer's payment date.

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Applicant remarks that "there is no disclosure or suggestion in Yamamoto that a reduced price may be calculated based on the payment date". Furthermore, Applicant remarks that "Sakai and Yamamoto (alone or in combination) do not disclose or suggest the claimed combination".

As discussed above, Sakai was cited for the payment date of the order. Yamamoto was cited for the calculating of the reduced price based on the customer's order (col. 1, lines 41-50).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 4, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,630,071 to Sakai et al.**

Regarding claims 1, 4, and 7, Sakai discloses a commodity order issuing and accepting method, system and apparatus comprising:

- providing an order issuing device of electronic communications (see at least col. 3, lines 8-40; col. 7, line 65- col. 8, line 29);
- providing an order accepting device capable of electronic communications (see at least col. 3, lines 8-40; col. 7, line 65- col. 8, line 29);
- the requesting a first electronic document comprising first input fields for accepting order issuer information and for accepting commodity order issuance

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information except for an order issuer's payment date from the order accepting device (see at least col. 2, lines 50-col. 3, line 5; col. 3, line 41-col. 4, line 7; Figure 13; col. 8, line 66 – col. 9, line 13; Figure 20);

- the transmitting the first electronic document from the order accepter side to the order issuing device (see at least col. 2, lines 50-col. 3, line 5; ; col. 3, line 41-col. 4, line 12; col. 9, lines 14-29; Figure 14; Figure 20);
- the inputting the order issuer information and the commodity order issuance information except for the order issuer's payment date to the first input fields on the order issuing device (see at least col. 2, lines 50-col. 3, line 5; ; col. 3, line 41-col. 4, line 12; col. 9, lines 14-29; Figure 14; Figure 20);
- the transmitting the order issuer information and the commodity order issuance information except for the order issuers' payment date from the order issuer side to the order accepting device (see at least col. 2, lines 50-col. 3, line 5; ; col. 3, line 41-col. 4, line 12; col. 9, lines 30-35; Figure 14; Figures 20-21);
- the retrieving a transaction condition corresponding to the commodity order issuance information except for the order issuer's payment date on the order accepting device (see at least col. 3, lines 12-40; Figure 20-21);
- the transmitting a second electronic document on which the transaction condition is described and which has a second input field for the order issuer's payment date from the order accepter side to the order issuing device (see at least col. 3, lines 3-40; col. 4, lines 23-52; Figure 20-21)

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- the inputting the order issuers' payment date to the second input field on the order issuing device (see at least col. 4, lines 23-52; Figures 21-22) and
- the transmitting the order issuers' payment dates from the order issuer side to the order accepting device (see at least col. 4, lines 23-52; Figure 18; Figures 21-22).

Regarding claim 11, the claim is rejected under the same grounds as claim 1 above.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 2-3, 5-6, 8-9, and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,630,071 to Sakai et al. in view of U.S. Patent No. 6,168,076 to Yamamoto et al.** Sakai substantially discloses the claimed invention, specifically, the authentication (see at least col. 3, lines 8-40, col. 7, line 58 – col. 8, line 16). However, Sakai does not disclose the calculation of a reduced price. Sakai disclose a total amount calculation section for calculating a total value of prices of commodities retrieved by the commodity price retrieval section and the total value of the prices of the commodities calculated by the total amount calculation section (see at least col. 3, lines 14-21). Yamamoto, on the other hand, teaches the calculation of a reduced price (col. 1, lines 46-50). It would have been obvious to one of ordinary skill in

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the art at the time of the invention was made to modify the method and system and apparatus of Sakai, to include the calculation of the reduced price, in order to provide a discount price to the customer, thus enabling to calculate the total sum of the order (col. 5, lines 61-62).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Thein whose telephone number is 703-305-5246. The examiner can normally be reached on M-F 8:30-5:30.




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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Smith can be reached on 703-308-3588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mtot  
September 20, 2004

  
Jeffrey A. Smith  
Primary Examiner